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Ser. No.: 09/865,993

Filing Date: May 25, 2001

Docket No. ISIS0064-100/RTS-0175

Title: ANTISENSE MODULATION OF DUAL SPECIFIC PHOSPHATASE 5 *EXPRESSION* Pages to Follow: 10

Sender's Name: Paul K. Legaard

Date: July 23, 2004

RECIPIENT(S)	COMPANY/FIRM	FAX
Examiner Jane J. Zara	USPTO	(703) 872-9306

MESSAGE: OFFICIAL FACSIMILE

PLEASE DELIVER TO EXAMINER Jane J. Zara
ATTACHED IS:

1. Transmittal Form (1 page)
2. Request For Continued Examination (RCE) Transmittal (1 page)
3. Fee Transmittal for FY 2004 (1 page)
4. Petition For Extension Of Time Under 37 CFR 1.136(a) (1 page)
5. Amendment And Request for Reconsideration (6 pages)

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PTO/SB/30 (08-03)

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Request For Continued Examination (RCE) Transmittal

Address to:
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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	09/865,993
Filing Date	May 25, 2001
First Named Inventor	Brett P. Monia
Art Unit	1635
Examiner Name	Jane J. Zara
Attorney Docket Number	#IS0064-100/RTS-0175

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 C.F.R. 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
ii. ☐ Other _____

- b. ☒ Enclosed

- i. ☒ Amendment/Reply
ii. ☐ Affidavit(s)/Declaration(s)
iii. ☐ Information Disclosure Statement (IDS)
iv. ☐ Other _____

2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. 1.17(i) required)
b. ☐ Other _____

3. **Fees** The RCE fee under 37 C.F.R. 1.17(e) is required by 37 C.F.R. 1.114 when the RCE is filed.

- a. ☐ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. _____


- i. ☐ RCE fee required under 37 C.F.R. 1.17(e)
ii. ☐ Extension of time fee (37 C.F.R. 1.136 and 1.17)
iii. ☐ Other _____

- b. ☐ Check in the amount of \$ _____ enclosed

- c. ☐ Payment by credit card (Form PTO-2038 enclosed)


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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print /Type)	Paul K. Legaard	Registration No. (Attorney/Agent)	38,534
Signature		Date	July 23, 2004

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below:

Name (Print /Type)	Paul K. Legaard	Date	July 23, 2004
Signature		Date	July 23, 2004

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PTO/SB/21 (04-04)

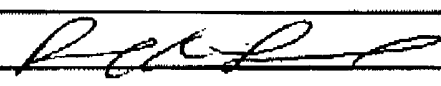
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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>		Application Number	09/865,993
		Filing Date	May 25, 2001
		First Named Inventor	Brett P. Monla
		Art Unit	1635
		Examiner Name	Jane J. Zara
Total Number of Pages in This Submission		Attorney Docket Number	ISIS0064-100/RTS-0175

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) <i>(please identify below):</i> Request For Continued Examination (RCE) Transmittal
<div style="border: 1px solid black; padding: 5px; width: fit-content;">Remarks</div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Paul K. Legaard/38,534
Signature	
Date	July 23, 2004

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	Paul K. Legaard		
Signature		Date	July 23, 2004

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FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 1610

Complete if Known

Application Number 09/865,993
Filing Date May 25, 2001
First Named Inventor Brett P. Monia
Examiner Name Jane J. Zera
Art Unit 1635
Attorney Docket No. ISIS0064-100/136653/RTS-0175

METHOD OF PAYMENT (check all that apply)		FEE CALCULATION (continued)																																																																																																																					
<input type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None <input checked="" type="checkbox"/> Deposit Account: Deposit Account Number 50-1276 Deposit Account Name Cozen O'Connor The Director is authorized to: (check all that apply) <input checked="" type="checkbox"/> Charge fee(s) indicated below <input checked="" type="checkbox"/> Credit any overpayments <input checked="" type="checkbox"/> Charge any additional fee(s) during the pendency of this application <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.		3. ADDITIONAL FEES <table border="1"> <thead> <tr> <th>Large Entity</th> <th>Small Entity</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>1051 130</td><td>2051 65</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>1052 50</td><td>2052 25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>1053 130</td><td>1053 130</td><td>Non-English specification</td><td></td></tr> <tr><td>1612 2,620</td><td>1612 2,620</td><td>For filing a request for reexamination</td><td></td></tr> <tr><td>1804 920*</td><td>1804 920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>1805 1,640*</td><td>1805 1,640*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>1251 110</td><td>2251 55</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>1252 420</td><td>2252 210</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>1253 950</td><td>2253 475</td><td>Extension for reply within third month - 1 month previously paid</td><td>840</td></tr> <tr><td>1254 1,480</td><td>2254 740</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>1255 2,010</td><td>2255 1,005</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>1401 330</td><td>2401 165</td><td>Notice of Appeal</td><td></td></tr> <tr><td>1402 330</td><td>2402 165</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>1403 280</td><td>2403 140</td><td>Request for oral hearing</td><td></td></tr> <tr><td>1451 1,510</td><td>1451 1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>1462 110</td><td>2462 55</td><td>Petition to revive - unavoidable</td><td></td></tr> <tr><td>1453 1,330</td><td>2453 665</td><td>Petition to revive - unintentional</td><td></td></tr> <tr><td>1501 1,330</td><td>2501 665</td><td>Utility issue fee (or reissue)</td><td></td></tr> <tr><td>1502 480</td><td>2502 240</td><td>Design issue fee</td><td></td></tr> <tr><td>1803 840</td><td>2503 320</td><td>Plant issue fee</td><td></td></tr> <tr><td>1400 130</td><td>1450 130</td><td>Petitions to the Commissioner</td><td></td></tr> <tr><td>1807 50</td><td>1807 50</td><td>Processing fee under 37 CFR 1.17 (q)</td><td></td></tr> <tr><td>1808 180</td><td>1806 180</td><td>Submission of Information Disclosure Sheet</td><td></td></tr> <tr><td>8021 40</td><td>8021 40</td><td>Recording each patent assignment per property (times number of properties)</td><td></td></tr> <tr><td>1809 770</td><td>2809 385</td><td>Filing a submission after final rejection (37 CFR § 1.129(a))</td><td></td></tr> <tr><td>1810 770</td><td>2810 385</td><td>For each additional invention to be examined (37 CFR § 1.129(b))</td><td></td></tr> <tr><td>1801 770</td><td>2801 385</td><td>Request for Continued Examination (RCE)</td><td>770</td></tr> <tr><td>1802 800</td><td>1802 800</td><td>Request for expedited examination of a design application</td><td></td></tr> </tbody> </table> Other fee (specify) _____ *Reduced by Basic Filing Fee Paid		Large Entity	Small Entity	Fee Description	Fee Paid	1051 130	2051 65	Surcharge - late filing fee or oath		1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet		1053 130	1053 130	Non-English specification		1612 2,620	1612 2,620	For filing a request for reexamination		1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action		1805 1,640*	1805 1,640*	Requesting publication of SIR after Examiner action		1251 110	2251 55	Extension for reply within first month		1252 420	2252 210	Extension for reply within second month		1253 950	2253 475	Extension for reply within third month - 1 month previously paid	840	1254 1,480	2254 740	Extension for reply within fourth month		1255 2,010	2255 1,005	Extension for reply within fifth month		1401 330	2401 165	Notice of Appeal		1402 330	2402 165	Filing a brief in support of an appeal		1403 280	2403 140	Request for oral hearing		1451 1,510	1451 1,510	Petition to institute a public use proceeding		1462 110	2462 55	Petition to revive - unavoidable		1453 1,330	2453 665	Petition to revive - unintentional		1501 1,330	2501 665	Utility issue fee (or reissue)		1502 480	2502 240	Design issue fee		1803 840	2503 320	Plant issue fee		1400 130	1450 130	Petitions to the Commissioner		1807 50	1807 50	Processing fee under 37 CFR 1.17 (q)		1808 180	1806 180	Submission of Information Disclosure Sheet		8021 40	8021 40	Recording each patent assignment per property (times number of properties)		1809 770	2809 385	Filing a submission after final rejection (37 CFR § 1.129(a))		1810 770	2810 385	For each additional invention to be examined (37 CFR § 1.129(b))		1801 770	2801 385	Request for Continued Examination (RCE)	770	1802 800	1802 800	Request for expedited examination of a design application	
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*or number previously paid, if greater. For Reissues, see above

SUBMITTED BY		Complete if applicable	
Name (Print/Type)	Paul K. Legard	Registration No. (Attorney/Agent)	39,534
Signature		Telephone	215.665.8514
		Date	July 23, 2004

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DOCKET NO: ISIS0064-100 (RTS-0175)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Monia and Watt

Serial No.: 09/865,993

Group Art Unit: 1635

Filed: May 25, 2001

Examiner: Janc J. Zara

**Title: ANTISENSE MODULATION OF DUAL SPECIFIC PHOSPHATASE 5
EXPRESSION**

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On 23 July 2004


Paul K. Logaard Reg. No. 38,534

**Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

Dear Sir:

AMENDMENT AND REQUEST FOR RECONSIDERATION

This Amendment and Request for Reconsideration is filed along with the Request for Continued Examination (RCE) filed herewith in connection with the above-identified patent application. Applicants respectfully request that the application be amended as follows.